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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,734

Applicant(s)

RAHMAN ET AL.

Examiner

ENRIQUE W. ITURRALDE

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 14, 20, 32, 40, 48, 57, and 77-83 of the claimed invention is directed to non-statutory subject matter. The specification describes computer-readable media may comprise computer storage media and communication media. Communication media is described as instructions, data structures, and program modules in a modulated data signal such as a carrier wave. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Art Unit: 2179

2. Claims 58-76 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter. Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer- readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions.

3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-10, 12-22, 26-66, 70-75, 77-81, 83-84, and 86-88** are rejected under 35 U.S.C. 103(a) as being unpatentable over Balkus (U.S. 2004/0268224 A1) cited by applicant.

5. As per claim 1, Balkus teaches: receiving a request, from an application at an application programming interface (API) [system for authoring and publishing a multimedia presentation of lines 1-3 of 0051], to interact with a plurality of media [temporal and nontemporal media of lines 3-9 of 0031]; and generating a media timeline based on the request that [creating timeline of lines 2-5 of 0035]: is for exposure via the API to the application [viewer of lines 7-10 and 21-25 of 0057]; includes a plurality of nodes [tracks of lines 2-4 of 0037; frames and subframes as nodes of lines 4-13 of 0062], and defines a presentation of a first said media referenced by a first said node with respect to a second said media referenced by a second said node [creating a multimedia presentation involves creating a temporal relationship (e.g. timeline) between each element of the nontemporal media and the temporal media of lines 1-5 of 0035].

6. As per claim 2, Balkus teaches: one or more said nodes are configured as a sequence node such that one said node that is a child of the sequence node is rendered after another said node that is also a child of the sequence node [an event near or at the end of a streaming multimedia presentation may be used to initiate the subsequent multimedia presentation of lines 7-10 of 0033].

7. As per claim 3, Balkus teaches: one or more said nodes are configured as a parallel node such that one said node that is a child of the parallel node is rendered

Art Unit: 2179

concurrently with another said node that is also a child of the parallel node [a multimedia presentation includes audio and/or video combined with multimedia slides that are synchronized with the audio and/or video of lines 2-5 of 0032].

8. As per claim 4, Balkus teaches: one or more said nodes is configured as a root node that specifies a starting point for rendering the media timeline [user selects an element as the starting point of lines 7-9 of 0040].

9. As per claim 5, Balkus teaches: the first and second nodes reference the respective first and second said media utilizing respective first and second pointers [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054].

10. As per claim 6, Balkus teaches: at least one said node includes metadata that describes rendering of the at least one said node [e.g. position, start time, duration, a title, and associated data of lines 7-10 of 0036].

11. As per claim 7, Balkus teaches: metadata is a start time property that specifies when rendering of the at least one said node is to begin with respect to another said node [start time within presentation of line 9 of 0036].

12. As per claim 8, Balkus teaches: at least one said node is configured to reference an effect to be applied to an output of media referenced by the node [title track is used to create effects for movies (e.g. scrolling credits) of lines 6-7 of 0038].

13. As per claim 9, Balkus teaches: the media timeline is configured for dynamic loading such that metadata included in at least one said node specifies a collection of said nodes to be loaded when the media timeline is rendered [hyperlink document (e.g.

node) including hyperlinks to one or more streaming media presentations (e.g. nodes); one is select; when one is selected, an event at the end of the presentation initiates playback of the subsequent presentation of lines 2-11 of 0033].

14. As per claim 10, Balkus teaches: the media timeline is configured for dynamic creation such that at least one said node is created while the media timeline is rendered [changes to the timeline data structure cause the clip manager to instruct a display manager to update of lines 12-15 of 0064].

15. As per claim 12, Balkus teaches: at least one said node is configured for communication of events to another said node such that a change may be made to the media timeline while the media timeline is rendered [an event in a streaming media presentation may be used to initiate playback of another streaming media presentation of lines 2-5 of 0008].

16. As per claim 13, Balkus teaches: the first and second said media have different formats, one to another [a timeline example consists of two audio tracks, two video tracks, two event tracks, a title track and a table of contents track of lines 1-4 of 0037].

17. As per claim 14, Balkus teaches: one or more computer readable media comprising computer executable instructions that, when executed by a computer, direct the computer to perform the method above [computer readable medium of line 5 of 0088].

18. As per claim 15, Balkus teaches: generating a media timeline by an application [system for authoring and publishing a multimedia presentation of line 1-3 of 0051], wherein the media timeline: includes a plurality of nodes [tracks of lines 2-4 of 0037;

frames and subframes as nodes of lines 4-13 of 0062]; and defines a presentation of a first said media referenced by a first said node with respect to a second said media referenced by a second said node [creating a multimedia presentation involves creating a temporal relationship (e.g. timeline) between each element of the nontemporal media and the temporal media of lines 1-5 of 0035]; and passing the media timeline to a timeline source for rendering [transfer to a media server for streaming of line 6-7 of 0091].

19. As per claim 16, the claim contains substantially the same subject matter as claim 13, and remains rejected using the same rationale.

20. As per claim 17, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

21. As per claim 18, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

22. As per claim 19, the claim contains substantially the same subject matter as claim 10, and remains rejected using the same rationale.

23. As per claim 20, the claim contains substantially the same subject matter as claim 14, and remains rejected using the same rationale.

24. As per claim 21, Balkus teaches: specifying an effect to be applied to one or more of a plurality of media when the media is rendered [title track is used to create effects for movies (e.g. scrolling credits) of lines 6-7 of 0038]; and generating a media timeline configured for exposure via an application programming interface (API) [system for authoring and publishing a multimedia presentation of line 1-3 of 0051], wherein: the

media timeline includes a plurality of nodes [tracks of lines 2-4 of 0037; frames and subframes as nodes of lines 4-13 of 0062]; two or more said nodes reference respective said media [each track supports a defining sequence of segments of media data while each segment references the media data for the segment of lines 10-12 of 38]; and one or more said nodes that reference the one or more said media include metadata that describes the effect [parameters of line 9 of 0038].

25. As per claim 22, Balkus teaches: the effect is a simple effect provided by a software component that is configured to: receive a single stream of media; apply the effect to the single stream; and output the applied single stream [for zoom, displaying data, changing image scaling performed on the image displayed, and passing back modifications to update timeline structure of 0068].

26. As per claim 26, the claim contains substantially the same subject matter as claim 7, and remains rejected using the same rationale.

27. As per claim 27, the claim contains substantially the same subject matter as claim 6, and remains rejected using the same rationale.

28. As per claim 28, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

29. As per claim 29, the claim contains substantially the same subject matter as claim 10, and remains rejected using the same rationale.

30. As per claim 30, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.

31. As per claim 31, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.

32. As per claim 32, the claim contains substantially the same subject matter as claim 14, and remains rejected using the same rationale.

33. As per claim 33, Balkus teaches: rendering a first media item referenced by a first said node [upon selection of a hyperlink, the corresponding presentation may be played of lines 5-7 of 0033]; receiving a call for a second said node that references a second media item; and creating the second said node [if an event indicates that no file or resource is associated, and a new event may be created of lines 3-7 of 0054].

34. As per claim 34, Balkus teaches: rendering a second media item referenced by the second said node when the rendering of the first media item is completed [an event near or at the end of a streaming multimedia presentation may be used to initiate the subsequent multimedia presentation of lines 7-10 of 0033].

35. As per claim 35, Balkus teaches: rendering the second media item referenced by the second said node [upon selection of a hyperlink, the corresponding presentation may be played of lines 5-7 of 0033]; receiving a call for a third said node that references a third media item; and creating the third said node [if an event indicates that no file or resource is associated, and a new event may be created of lines 3-7 of 0054; an event near or at the end of a streaming multimedia presentation may be used to initiate the subsequent multimedia presentation of lines 7-10 of 0033].

36. As per claim 36, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

37. As per claim 37, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

38. As per claim 38, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.

39. As per claim 39, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.

40. As per claim 40, the claim contains substantially the same subject matter as claim 14, and remains rejected using the same rationale.

41. As per claim 41, Balkus teaches: a media timeline exposed via an application programming interface [system for authoring and publishing a multimedia presentation of line 1-3 of 0051], the media timeline having a plurality of nodes [tracks of lines 2-4 of 0037; frames and subframes as nodes of lines 4-13 of 0062], at least two said nodes referencing respective media [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054], one or more said nodes each having metadata that references a node grouping [e.g. position, start time, duration, a title, and associated data of lines 7-10 of 0036], a method comprising: loading a first said node; examining the first said node to determine a first said node grouping; loading each said node referenced by the first said node grouping; rendering the first said node grouping; examining one or more said nodes in the first said node grouping to determine a second said node grouping; loading each said node referenced by the second said node grouping; and when the rendering of the first said node grouping is completed, rendering the second said node grouping [an event near or at the end of a streaming

multimedia presentation may be used to initiate the subsequent multimedia presentation of lines 7-10 of 0033].

42. As per claim 42, Balkus teaches the examining of the one or more said nodes in the first said node grouping is performed during the rendering of the first said node grouping [an event near the end of a streaming multimedia presentation may be used to initiate the subsequent multimedia presentation of lines 7-10 of 0033].

43. As per claim 43, the claim contains substantially the same subject matter as claim 10, and remains rejected using the same rationale.

44. As per claim 44, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

45. As per claim 45, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.

46. As per claim 46, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.

47. As per claim 47, the claim contains substantially the same subject matter as claim 13, and remains rejected using the same rationale.

48. As per claim 48, the claim contains substantially the same subject matter as claim 14, and remains rejected using the same rationale.

49. As per claim 49, Balkus teaches: a media timeline exposed via an application programming interface [system for authoring and publishing a multimedia presentation of line 1-3 of 0051], the media timeline having a plurality of nodes [tracks of lines 2-4 of 0037; frames and subframes as nodes of lines 4-13 of 0062], at least two said nodes

Art Unit: 2179

referencing respective media [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054], one or more said nodes each having metadata that references a node grouping [e.g. position, start time, duration, a title, and associated data of lines 7-10 of 0036], a method comprising:

rendering a first said node to output a referenced first said media [event is identified, the data file is obtained and rendered of lines 4-8 of 0063]; during the rendering, changing one or more properties of a second said node [e.g. change to the timeline structure occurs of 0063]; and initiating, by an event generator located on the second said node, an event for communication to a parent said node of the second said node, wherein the event describes the changing [clip manager instructs display manager to update of lines 12-15 of 0064].

50. As per claim 50, Balkus teaches: the event is communicated to at least one of an application over the API and a timeline source for rendering the media timeline [clip manager instructs the display manager to update browser of 12-15 of 0064].

51. As per claim 51, Balkus teaches: one of the properties is node changed event [modified of line 3 of 0066].

52. As per claim 52, the claim contains substantially the same subject matter as claim 4, and remains rejected using the same rationale.

53. As per claim 53, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

54. As per claim 54, the claim contains substantially the same subject matter as claim 10, and remains rejected using the same rationale.

Art Unit: 2179

55. As per claim 55, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.

56. As per claim 56, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

57. As per claim 57, the claim contains substantially the same subject matter as claim 14, and remains rejected using the same rationale.

58. As per claim 58, Balkus teaches: the media timeline including a plurality of nodes that are callable by one said application [tracks of lines 2-4 of 0037; frames and subframes as nodes of lines 4-13 of 0062], wherein:

each said node includes metadata that describes the node [e.g. position, start time, duration, a title, and associated data of lines 7-10 of 0036]; one or more said nodes reference a corresponding media item [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054]; the plurality of nodes are arranged in a tree structure [tree-like representation of line 9 of 0062]; and the arrangement of the plurality of nodes, one to another, describes an order for rendering the plurality of nodes [timeline representation of 0036].

59. As per claim 59, the claim contains substantially the same subject matter as claim 7, and remains rejected using the same rationale.

60. As per claim 60, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

61. As per claim 61, the claim contains substantially the same subject matter as claim 6, and remains rejected using the same rationale.

62. As per claim 62, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

63. As per claim 63, the claim contains substantially the same subject matter as claim 10, and remains rejected using the same rationale.

64. As per claim 64, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.

65. As per claim 65, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.

66. As per claim 66, Balkus teaches: two or more said nodes reference respective media [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054]; the plurality of nodes are arranged in a hierarchy to include a parent said node and a child said node [hierarchical definition of frames and subframes of lines 6-8 of 0062]; and the child said node is configured for initiating an event for communication to the parent said node [an event near or at the end of a streaming multimedia presentation may be used to initiate the subsequent multimedia presentation of lines 7-10 of 0033].

67. As per claim 70, the claim contains substantially the same subject matter as claim 51, and remains rejected using the same rationale.

68. As per claim 71, the claim contains substantially the same subject matter as claim 4, and remains rejected using the same rationale.

69. As per claim 72, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

70. As per claim 73, the claim contains substantially the same subject matter as claim 10, and remains rejected using the same rationale.

71. As per claim 74, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

72. As per claim 75, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.

73. As per claim 77, Balkus teaches: a plurality of media [temporal and nontemporal media of lines 3-9 of 0031]; a plurality of applications [Real Media Player and Windows Media of line 4 of 0076, QuickTime of line 6 of 0004, Internet Explorer of line 14 of 0057]; and an infrastructure layer that: provides an application programming interface (API) for interaction by the plurality of applications with the plurality of media when any said application is executed [system for authoring and publishing a multimedia presentation of lines 1-3 of 0051]; and exposes a media timeline, callable by the plurality of applications via the API upon an execution thereof, and that defines a presentation of the plurality of media [creating a multimedia presentation involves creating a temporal relationship, visualized as a timeline, between each element of the nontemporal media and the temporal media of lines 1-5 of 0035].

74. As per claim 78, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

75. As per claim 79, Balkus teaches: the media timeline includes a plurality of nodes [temporal and nontemporal media of lines 3-9 of 0031]; one or more said nodes

references respective said media [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054]; the media timeline defines a presentation of a first said media referenced by a first said node with respect to a second said media referenced by a second said node [creating a multimedia presentation involves creating a temporal relationship (e.g. timeline) between each element of the nontemporal media and the temporal media of lines 1-5 of 0035]; and at least one said node includes metadata that describes rendering of the at least one said node [e.g. position, start time, duration, a title, and associated data of lines 7-10 of 0036].

76. As per claim 80, Balkus teaches: the media timeline includes a plurality of nodes [temporal and nontemporal media of lines 3-9 of 0031]; one or more said nodes references respective said media [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054]; and the media timeline is configured for dynamic loading such that metadata included in at least one said node specifies a collection of said nodes to be loaded when the media timeline is rendered [hyperlink document (e.g. node) including hyperlinks to one or more streaming media presentations (e.g. nodes); one is select; when one is selected, an event at the end of the presentation initiates playback of the subsequent presentation of lines 2-11 of 0033].

77. As per claim 81, Balkus teaches: the media timeline includes a plurality of nodes [temporal and nontemporal media of lines 3-9 of 0031]; one or more said nodes references respective said media [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054]; and wherein the media timeline is

configured for dynamic creation such that at least one said node is created while the media timeline is rendered [changes to the timeline data structure cause the clip manager to instruct a display manager to update of lines 12-15 of 0064].

78. As per claim 83, Balkus teaches: the media timeline includes a plurality of nodes [temporal and nontemporal media of lines 3-9 of 0031]; one or more said nodes references respective said media [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054]; and at least one said node is configured for communication of events to another said node such that a change may be made to the media timeline while the media timeline is rendered [an event in a streaming media presentation may be used to initiate playback of another streaming media presentation of lines 2-5 of 0008].

79. As per claim 84, Balkus teaches: a processor [processor of 0084]; and memory [memory of 0087] configured to maintain: a plurality of media [temporal and nontemporal media of lines 3-9 of 0031]; a plurality of applications, wherein each said application is configured to request at least one of editing, encoding, and rendering of the plurality of media [Real Media Player and Windows Media of line 4 of 0076, QuickTime of line 6 of 0004, Internet Explorer of line 14 of 0057]; and an infrastructure layer configured to: provide an application programming interface (API) for interaction by the plurality of applications with the plurality of media [system for authoring and publishing a multimedia presentation of lines 1-3 of 0051]; and expose a media timeline, callable by the plurality of applications via the API, that

includes a plurality of nodes that define a presentation of the plurality of media [creating a multimedia presentation involves creating a temporal relationship, visualized as a timeline, between each element of the nontemporal media and the temporal media of lines 1-5 of 0035], wherein the media timeline specifies delayed creation of one or more said nodes when the media timeline is rendered [changes to the timeline data structure cause the clip manager to instruct a display manager to update of lines 12-15 of 0064].

80. As per claim 86, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.

81. As per claim 87, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.

82. As per claim 88, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.

83.

84. **Claims 11, 23-25, 67-69, 76, 82 and 85** are rejected under 35 U.S.C. 103(a) as being unpatentable over Balkus as applied to claim 1, 21, 66, 77 and 84 respectively, above, and further in view of Sheasby (US 6,539,163 B1).

85. As per claim 11, Balkus fails to expressly disclose at least one said node is specified as read-only. However, Sheasby teaches that user defines a child sequence as read-only (line 25 of column 6). Balkus and Sheasby are analogous art because both describe constructing and presenting timelines for media. It would have been obvious to a person of ordinary skill in the art to define a node as read-only. The

motivation would have been to discourage other users from editing the information referenced by the node or the node's metadata.

86. As per claim 23, Balkus fails to expressly disclose receiving at least two streams of media; applying the effect to the at least two streams; and output a single stream of media composed of the applied at least two streams. However, Sheasby teaches a sequence has metadata for a compositing sequence which includes a set of reference clips, each of which refers to an output stream. For the final composited image, the outputs are composited together by rendering and compositing sequence [lines 57-67 of column 8]. It would have been obvious to a person of ordinary skill in the art to follow the steps above for a composite effect. The motivation would have been to produce a final media file made up of multiple inputs.

87. As per claim 24, Balkus fails to expressly disclose the effect is a composite effect provided by software component that is configured to at least one of analyze at least two streams of media and output at least two streams of media. However, Sheasby teaches the interactive manipulation and production of the data of a clip using metadata for a compositing sequence in which outputs are composited together by rendering [lines 57-67 of column 8]. It would have been obvious to a person of ordinary skill in the art to follow the steps above for a composite effect. The motivation would have been to produce a final media file made up of multiple inputs.

88. As per claim 25, Balkus fails to expressly disclose that the effect is a transition effect to be applied as a transition from a first said media referenced by a first said node to a second said media referenced by a second said node. However, Sheasby teaches

Art Unit: 2179

various applied effects such as a dissolve, which is a well known transition effect [lines 20-22 of column 3]. It would have been obvious to a person of ordinary skill in the art to add a transition, such as a dissolve, between a first and second node (e.g. clip, track). The motivation would have been to enhance a user's experience by providing smooth changeover between two media files.

89. As per claim 67, Balkus fails to expressly disclose another said node, which is not a parent of the child said node, subscribes to the child said node to receive the event. However, Sheasby teaches a system that allows child sequences to be persisted separately from a parent sequence [lines 39-40 of column 2]. It would have been obvious to a person of ordinary skill in the art to allow more than just the parent to access the child. The motivation would have been to allow access for updating.

90. As per claim 68, Balkus fails to expressly disclose another said node subscribes to the child said node to receive: the event initiated by the child said node; and one or more said events initiated by children of the child said node (e.g. sequences). However, Sheasby teaches that However, Sheasby allows child sequences to be persisted separately from a parent sequence [lines 39-40 of column 2]. It would have been obvious to a person of ordinary skill in the art to allow more than just the parent to access the child. The motivation would have been to allow access for updating.

91. As per claim 69, Balkus fails to expressly disclose that the event is configured such that a change may be made to one or more properties of the child said node while the media timeline is rendered; and describes the change. However, Sheasby teaches if the metadata of the child sequence is modified after being employed, the next time it

is used the modified metadata will be used [lines 13-20 of column 6]. It would have been obvious to a person of ordinary skill in the art to allow more than just the parent to access the child. The motivation would have been to allow access for updating.

92. As per claim 76, Balkus teaches: reference corresponding media [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054]; include metadata describing one or more properties for rendering the corresponding media [e.g. position, start time, duration, a title, and associated data of lines 7-10 of 0036]. Balkus fails to expressly disclose including metadata specifying the node as read-only. However, Sheasby teaches that user defines a child sequence as read-only (line 25 of column 6). Balkus and Sheasby are analogous art because both describe constructing and presenting timelines for media. It would have been obvious to a person of ordinary skill in the art to define a node as read-only. The motivation would have been to discourage other users from editing the information referenced by the node or the node's metadata.

93. As per claim 82, Balkus teaches: the media timeline includes a plurality of nodes [temporal and nontemporal media of lines 3-9 of 0031]; one or more said nodes references respective said media [on the event timeline, an event indicates a data file or other resource associated of lines 1-3 of 0054]. Balkus fails to expressly disclose at least one said node is specified as read-only. However, Sheasby teaches that user defines a child sequence as read-only (line 25 of column 6). Balkus and Sheasby are analogous art because both describe constructing and presenting timelines for media. It would have been obvious to a person of ordinary skill in the art to define a node as

Art Unit: 2179

read-only. The motivation would have been to discourage other users from editing the information referenced by the node or the node's metadata.

94. As per claim 85, Balkus fails to expressly disclose the delayed creation further comprises creating the one or more said nodes when called by one or more said applications. However, Balkus teaches defining the rights to the clip sequence as read-write and read-write-delete [line 25 of column 6]. Defining the rights as such would allow applications to create one or more nodes. It would have been obvious to a person of ordinary skill in the art to allow read-write and read-write-delete rights. The motivation would have been to encourage the creation of one or more nodes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ENRIQUE W. ITURRALDE whose telephone number is (571)270-3627. The examiner can normally be reached on Monday-Thursday 9 AM - 5 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

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/E. W. I./

Examiner, Art Unit 2179


WEILUN LO
SUPERVISORY PATENT EXAMINER